

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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Civil Action No. 03 30298 MAP

JAN 16 2004
U.S. DISTRICT COURT
DISTRICT OF MASS.

JAMES TULGAN,
Plaintiff

v.

BERKSHIRE ARMORED CAR
SERVICES CO., INC. PROFIT SHARING
PLAN, BERKSHIRE ARMORED CAR
SERVICES CO., INC., GERARD S.
REDER AND JACQUELINE POWERS

Defendants

PLAINTIFF'S ANSWER TO COUNTERCLAIM OF DEFENDANT BERKSHIRE
ARMORED CAR SERVICES CO., INC.

FIRST DEFENSE

1. The defendant in counterclaim can neither admit nor deny the allegations in paragraph 1 since the paragraph identifies the plaintiff in counterclaim as the Berkshire Armored Car Services Co., Inc. Profit Sharing Plan although the answer is submitted by the defendant Berkshire Armored Car Services Co., Inc.
2. The defendant in counterclaim admits the allegations in paragraph 2 of the counterclaim except to state his residential address is 53 Edison Avenue.
3. The defendant in counterclaim admits he was employed by the defendant Berkshire Armored Car Services Co., Inc. for approximately eight years.
4. The defendant in counterclaim denies the allegations in paragraph 4 of the counterclaim.

SECOND DEFENSE

All claims asserted in paragraph 4 are barred by the applicable statutes of limitations.

THIRD DEFENSE

Claims asserted in paragraph 4 were terminated by accord and satisfaction and release.

The Defendant in Counterclaim,
By his Attorney,



Robert L. Leonard , Esquire
Doherty, Wallace, Pillsbury
& Murphy, P.C.
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CERTIFICATE OF SERVICE

I, Robert L. Leonard, Esq., hereby certify that on January 16, 2004, I served a copy of the foregoing document on the parties to the case by mailing a copy of the same postage prepaid to:

Jack E. Houghton, Jr., Esq.
78 Bartlett Avenue
Pittsfield, MA 01201



Robert L. Leonard, Esq.